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UNCLAS SECTION 01 OF 05 MADRID 004774

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E.O. 12958: N/A

TAGS: [PTER](#) [ASEC](#) [SP](#)

SUBJECT: SPAIN: 2004 ANNUAL TERRORISM REPORT

REF: A) STATE 245841 B) STATE 259427

11. Per Ref A instructions, the following is the 2004 terrorism report submission for Spain.

12. Spain is a strong ally in the war on terrorism, authorizing the use of military bases to support Operation Enduring Freedom and sending troops to Afghanistan to provide added security during that country,s national elections. Spain suffered a massive terrorist attack in March, when Islamic extremists detonated explosives on commuter trains in Madrid killing 190 and wounding hundreds of others. Spain scored significant successes in its decades-long effort to eliminate the Basque Fatherland and Liberty (ETA) terrorist group, in part through increased police cooperation with France.

On the morning of March 11, terrorists detonated ten bombs on commuter trains in Madrid, including five near Atocha, the city,s biggest train station, killing 190 and wounding hundreds more. After initially suspecting ETA involvement, police quickly discovered that Islamic extremists associated with the "Moroccan Islamic Combat Group" (GICM) and Algerian terrorist organizations were the actual perpetrators of the attacks. On April 2, authorities discovered an explosive device under the high-speed railway connecting Madrid and Seville. The bomb, which was of a material similar to that used in the commuter train bombings, failed to detonate for unexplained reasons. On April 3, seven suspects sought by the police in connection with the March 11 attacks detonated explosives in an apartment in a Madrid suburb in order to avoid arrest by the police. All seven suspects and one police officer were killed in the explosion. Authorities are holding 19 suspects in connection with the March 11 bombings, pending trial on charges of murder and/or belonging to a terrorist organization. In November, a Spanish judge issued the first sentence in the case, sentencing a 16-year-old male to six years in a juvenile prison facility and five years probation for helping the conspirators obtain the explosives. Spanish police are investigating a further 20 individuals for possible links to the bombing perpetrators.

13. //A. GOS SUPPORT FOR THE GLOBAL COALITION AGAINST TERRORISM//

Spain has continued to authorize the use of its military bases at Rota and Moron in support of military operations in Afghanistan. Spain provided military support to Operation Enduring Freedom and ISAF, and supported the reconstruction of Afghanistan with humanitarian and developmental assistance. Spain doubled its military contingent in Afghanistan from 500 to over 1,000 to provide added protection during national elections. On December 17, Attorney General Ashcroft visited Spain to sign the bilateral instruments to the U.S.-EU Mutual Legal Assistance Treaty and Extradition Agreement, deepening bilateral judicial cooperation. Attorney General Ashcroft met with Spain,s Minister of Justice and Minister of the Interior to discuss increased cooperation on terrorism investigations. During the year, the FBI and the Department of Justice worked with the Spanish National Court to assist in investigations and prosecutions of Al-Qaida suspects.

Spain has requested talks with the U.S. on the possible formation of a joint counterterrorism investigative unit, similar to a unit Spain has developed with France. U.S. agencies, including the Department of State, are reviewing the proposal.

//B. COUNTERTERRORISM ACTIONS//

Spanish authorities continued their strong cooperation with the United States on counterterrorism, primarily by sharing law enforcement information on suspected terrorist organizations and by supporting efforts to rebuild Afghanistan. Since the September 11 attacks, Spain has arrested over 100 persons suspected of links to Al-Qaida.

-- In May, a Spanish judge ordered the detention of three Algerian nationals and one Spanish national for their ties to an al-Qaida cell in Hamburg, Germany. The four detainees were believed to be planning attacks against commuters in the

Paris metro system similar to the March 11 Madrid bombings.

-- In September, A Spanish judge filed additional charges against March 11 bombing suspect Jamal Zougam for having collaborated with jailed Al-Qaida financier and cell leader Imad Eddin Barakat Yarkas.

//C. LAW ENFORCEMENT ACTIONS//

Law enforcement officials moved aggressively in the wake of the March 11 bombings, arresting over 50 suspects, holding 19 for trial, and continuing investigations of a further 20 suspects. Spain successfully requested the temporary transfer from Italy of alleged March 11 organizer Rabei Osman El Sayed to be interrogated regarding his role in the attacks. Spain and France launched a joint counterterrorism investigative team focused on ETA and Islamic terrorist groups, augmenting an earlier agreement that allowed police to work on counterterrorism investigations in each other's countries. This increased cooperation helped France and Spain carry out a major series of arrests of ETA organizers in October, including the capture of ETA leaders Mikel Antza and Soledad Iparragirre in France.

During the year, Spain also signed or added to bilateral counterterrorism agreements with the UK, Sweden, Portugal, and Austria.

On May 10, Spain and Morocco agreed to establish a mechanism to share information on suspected terrorists in both countries. In September Spain and Morocco formed a judicial cooperation group to advise their governments on how to improve cooperation on terrorism-related crimes.

On December 17, Spanish police arrested Moroccan national Hassan El Haski and three other members of the Moroccan Islamic Combat Group in the Canary Islands on charges of participating in the March 11 train bombings and membership in a terrorist group. The four suspected terrorists had fled Belgium and France and gone to Spain to avoid arrest.

//D. JUDICIAL RESPONSE//

Spanish authorities have reacted vigorously to impede and disrupt suspected terrorist activities in areas under their jurisdiction and to cooperate with other countries in terrorism investigations. In 2003, Spanish authorities provided significant information in response to U.S. requests for information concerning the activities of Mohamed Atta in Spain prior to the September 11 attacks. On December 17, Attorney General Ashcroft visited Spain to sign the bilateral protocols to the U.S.-EU Mutual Legal Assistance Treaty and Extradition Agreement, instruments that will improve judicial cooperation, including on terrorism cases.

In addition to the arrests carried out following the March 11 attacks, a Spanish judge ordered the arrest of more than 35 suspected extremists charged with plotting bomb attacks against Spain's High Court, the headquarters of the opposition Popular Party (PP), Madrid's largest soccer stadium, an office building, and other landmarks. Several of the suspects arrested in this sweep were reportedly common criminals recruited in prison to perform suicide attacks. Spain requested the extradition from Switzerland of Mohamed Achraf, the alleged ringleader of this terrorist conspiracy. Spain provided information to Swiss authorities that allowed them to elevate the charges against Achraf, who was being held on immigration violations.

In 2003, Spain requested the transfer of Hamed Abdelrahman Ahmed from U.S. detention at Guantanamo Naval Base, where he had been held as an enemy combatant following his capture with Taliban forces in Afghanistan. Ahmed was transferred to Spain on February 13 and jailed on charges of maintaining links to Al-Qaida. In July, Judge Baltasar Garzon released Ahmed on bail pending further investigation. Spain is seeking the transfer of an additional three enemy combatants being held in Guantanamo.

Spain successfully sought the temporary transfer from Italy of Rabei Osman El Sayed, allegedly among the key organizers of the March 11 attacks, on murder and terrorism charges. El Sayed was transferred to Spanish custody for six months beginning on December 7.

-- Impediments to Extradition. Spain supports the EU consensus opposing extradition to the U.S. if the prisoner will be subject to the death penalty. A U.S. request for extradition of terrorist suspects to military tribunals would also pose problems for the Spanish judiciary. In practice, extradition to the U.S. is possible once Spanish concerns regarding the application of the death penalty are resolved by prior agreement with U.S. authorities.

//E. LAW ENFORCEMENT CAPABILITIES//

Law enforcement agencies have the authority to intercept wire, oral, and electronic communications, when authorized to do so by an investigating magistrate. Law enforcement officials may initiate terrorist investigations based on intelligence information. Intercepted information collected via authorized methods may be used in court, but since court testimony is available to the public, the authorities are reluctant to release such information for fear of compromising sources and methods. Spanish police have good capability for collecting forensic data, such as photographs and fingerprints.

//F. INVESTIGATIONS OF TERRORIST INCIDENTS//

Spain is a leading proponent within the EU of increased cooperation on terrorism investigations. Spanish judicial and police officials work closely with U.S. authorities in cases of possible bilateral interest. In May, Spain signed an agreement with Morocco to increase cooperation on border security in the Straits of Gibraltar, in part to reinforce bilateral counterterrorism efforts. Spain worked closely with the U.S. to meet new passport security requirements for its nationals.

//G. MAJOR COUNTERTERRORISM EFFORTS//

Within the EU, Spain remains a strong proponent of international cooperation against terrorism. In April, Spain joined other EU members in updating and reaffirming the EU list of terrorist organizations and terrorist suspects, which includes ETA and ETA-affiliated political organizations, as well as 19 ETA members currently being sought by Spanish authorities.

The government maintains several websites dealing with terrorism. Government sites include:

- Ministry of the Interior: www.mir.es/oris/index.htm
- Civil Guard: www.guardiacivil.org/terrorismo/index.jsp
- National Police: www.mir.es/policia/linea/ter_prin.htm

//I. EFFORTS TO COMBAT EXTREMIST IDEOLOGY//

After more than 30 years of fighting against ETA terrorism, both the government and civil society remain focused on political violence in the Basque Region. The March 11 attacks came as a shock to Spanish society since most observers believed that there was very little tension or extremist organization within Spain, s growing Muslim immigrant community. Even after the March 11 attacks, anti-violence campaigns remain focused on ETA.

Civil society efforts to fight violence in the Basque Region are extremely well developed and include organizations such as "Gesto Por la Paz8 (Gesture for Peace) www.gesto.org) and the 'Asociacion de Victimas del Terrorismo" (Association of Victims of Terrorism). The victims of the March 11 attacks borrowed from the experience of ETA victims and have formed their own organization, whose leaders testified before the Parliamentary commission investigating the train bombings. The government is supportive of such citizen efforts, encouraging their participation in public events and placing links to their organizations on government websites.

//J. WHERE GOVERNMENT HAS DEPLOYED MILITARY FORCES//

Spain deployed over 1,000 troops in Afghanistan during 2004 to participate in Operation Enduring Freedom and ISAF and to provide additional security during Afghanistan, s national elections. In 2003, Spain deployed 1,300 troops to southern Iraq as part of the Coalition Forces, but the ruling Socialist Government withdrew those forces following its electoral victory in March.

//K. MAJOR CHANGES IN STANCE TOWARDS TERRORISM//

As a long-time victim of ETA violence and a recent victim of a massive Islamic terrorist attack, Spain places combating terrorism as one of its highest priorities, both in domestic affairs and in foreign relations. There were massive demonstrations against terrorism following the March 11 train bombings, similar to demonstrations following some high-profile ETA terrorist attacks in recent years. Spain is a proponent of vigorous international judicial cooperation against terrorism, a position that enjoys strong public support. There is significantly less public support for military action against terrorism, though the government has underscored its commitment to support operations in Afghanistan.

//L. PUBLIC ATTITUDES TOWARDS TERRORISM

See K

//M. SUPPORT FOR TERRORIST GROUPS//

Spain does not harbor or support any terrorist organizations.

//N. PUBLIC SUPPORT FOR STATE SPONSOR OF TERRORISM//

Spain has not supported any of the state sponsors of terrorism on a terrorism-related issue.

//O. STATUS OF TERRORIST ACTIVITY

Several terrorist organizations are active in Spain, including Al-Qaida, the Moroccan Islamic Combat Group (GICM), and ETA. The Government has virtually eliminated the domestic terrorist organization First of October Anti-Fascist Resistance Group (GRAPO).

Spain enforces the EU ban on 36 domestic and international terrorist organizations. Spain continues to maintain a "Law of Political Parties," which established a judicial process to de-legalize political parties that provide concrete support for terrorist groups. The main organization affected by this law is the ETA-affiliated group Batasuna, which was ordered to disband and barred from the political process.

//P. AREAS WHERE TERRORISTS ARE FREE TO OPERATE//

The Spanish Government maintains effective state control throughout its territory.

//Q. MAJOR CT DEVELOPMENTS//

On the morning of March 11, terrorists detonated ten bombs on commuter trains in Madrid, including five near Atocha, the city's biggest train station, killing 190 and wounding hundreds more. After initially suspecting ETA involvement, police quickly discovered that Islamic extremists associated with the "Moroccan Islamic Combat Group" (GICM) and Algerian terrorist organizations were the actual perpetrators of the attacks. On April 2, authorities discovered an explosive device under the high-speed railway connecting Madrid and Seville. The bomb, which was of a material similar to that used in the commuter train bombings, failed to detonate for unexplained reasons. On April 3, seven suspects sought by the police in connection with the March 11 attacks detonated explosives in an apartment in a Madrid suburb in order to avoid arrest by the police. All seven suspects and one police officer were killed in the explosion. Authorities are holding 19 suspects in connection with the March 11 bombings, pending trial on charges of murder and/or belonging to a terrorist organization. In November, a Spanish judge issued the first sentence in the case, sentencing a 16-year-old male to six years in a juvenile prison facility and five years probation for helping the conspirators obtain the explosives. Spanish police are investigating a further 20 individuals for possible links to the bombing perpetrators.

In addition to investigating the March 11 bombings, Spanish police acted against other international terrorist organizations operating in Spain, including:

-- The "NOVA I" and "NOVA II" police operations in November to disrupt efforts by Islamic extremists to bomb Spain's High Court, the headquarters of the opposition Popular Party, Madrid's largest soccer stadium, a major office building, and other landmarks. Over 35 suspects were arrested and the investigation remained open as of the end of the year. Several of the suspects arrested in this sweep were reportedly common criminals recruited in prison to perform suicide attacks. Spain requested the extradition from Switzerland of Mohamed Achraf, the alleged ringleader of this terrorist conspiracy. Spain provided information to Swiss authorities that allowed them to elevate the charges against Achraf, who was being held on immigration violations.

-- In May, a Spanish judge ordered the detention of three Algerian nationals and one Spanish national for their ties to an al-Qaida cell in Hamburg, Germany. The four detainees were believed to be planning attacks against commuters in the Paris metro system similar to the March 11 Madrid bombings.

-- Police in Barcelona arrested ten Pakistani nationals suspected of providing logistical and financial support to Islamic extremist groups outside of Spain, including members of Al-Qaida and the killers of U.S. journalist Daniel Pearl.

-- In November, a judge ordered the detention of an Al-Jazeera television network journalist with alleged ties to the Spain-based Al-Qaida network of Imad Eddin Barakat Yarkas. The journalist had been released on bail in 2003 for health reasons.

-- In December, police arrested three Algerian nationals, Abdelkader Lebig, Ibdallah Ibn Moutalib Kaddouri, and Brahim Amman, for involvement with the Catalan-based "Protectors of the Salafist Current," a radical Islamic cell largely

dismantled in 2003.

Separately, ETA continued its bombing campaign, even as the police scored significant successes against the organization that included the capture of 76 ETA members during the year. ETA-related developments included:

-- In February, Spanish police arrested two ETA members driving a van carrying 500 kilograms of explosives, allegedly intended for attacks in Madrid.

-- Spain,s assistance to French authorities in an investigation that led to the October 3 arrest of ETA leaders Mikel Antza and Soledad Iparragirre. Antza was the top ETA organizer at the time of his arrest and Iparragirre was sought in connection with 14 murders and was believed to be leading ETA,s extortion operations.

-- ETA carried out a series of bombings of tourist sites during the summer tourist season. The bombings did not result in any significant injuries.

-- ETA detonated 12 bombs on December 3 and 6 in Madrid and eight other cities, resulting in minor injuries to about a dozen people. Most observers interpreted the December bombings as ETA,s response to police successes during the year that had decimated the organization,s logistical arm.

14. Embassy point of contact for this report and for other terrorism-related issues is political officer Ricardo Zuniga (zunigarf@state.gov, 34-91-587-2386).
MANZANARES